

# LOS ANGELES RIVER



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April 9, 2009

Tracy Egoscue, Executive Officer  
California Regional Water Quality Control Board, Los Angeles Region  
320 West 4<sup>th</sup> Street 200  
Los Angeles, California 90013

**Subject: Comments on the Proposed Ventura County Permit**

Dear Ms. Egoscue:

It is the understanding of the Los Angeles River Watershed Management Committee (LARWMC) that the Ventura Permit will serve as the template for the next Los Angeles Countywide MS4 permit. As such, although the permittees of the LARWMC will not be directly affected by the Ventura permit, the eventual content of the proposed Ventura Permit is of particular interest. Below are several comments. Please note that this is not intended to be a comprehensive listing of comments, but rather a consensus of the most important issues. It is anticipated that individual permittees will be submitting their own comments and your attention to those additional submittal is appreciated.

1. First, we would like to compliment the Board's staff on the flexibility shown in working with the Municipal Action Levels (MALs), which are now more along the lines of a monitoring effort rather than a compliance program. We hope this flexibility continues. The concern is that many of the MALs are for metals which are already being covered in the Los Angeles River under the Metals TMDL and the permittees hope to avoid duplicative monitoring programs.

2. The permittees also appreciate the inclusion of several post-construction treatment BMPs that will satisfy the concept of "Low Impact Development" (LID). The sole reliance on infiltration BMPs is not always applicable, especially in areas of: high-groundwater, impermeable soils and liquefaction zones. The concept of LID is a somewhat vague term and often

is in conflict with development in already built-out high density areas and it is hoped that a satisfactory working definition can be developed as part of the next Los Angeles County MS4 permit.

3. We are requesting more clarity in the wording of the post construction treatment section (Section 5.E.III.1). The goal for developed areas is an EIA of 5 percent or less, unless infeasible. But there is no definition of what constitutes "infeasible". Of further concern is that if a development cannot meet the 5 percent EIA and is unable to install other treatment BMPs to meet the 85 percentile criteria, the development can pay a stormwater mitigation fee. Aside from giving developments an alternative for not installing treatment BMPs: How much are the fees? Who sets them? And of course, who are the fees payable too?
4. Having completed field screening for all storm drains 36 inches and larger for illicit connections under the previous MS4 permit, this process will now have to be repeated for all storm drains 18 inches and larger (for the upcoming Los Angeles MS4, this should be "between 18 inches but less than 36 inches) and all storm drains over 50 years of age (recommend "unless screening has already been completed"). For the most part, the few number of illicit connections found has not justified the expense of this effort. The manual that the proposed Ventura Permit references, includes several screening methods and permittees must be allowed to use the most cost effective method.
5. In the past MS4 permits, there has been great concern among public agencies regarding the lack of clarity regarding existing roads and streets and whether these will need to be retrofitted with post construction BMPs when repaired or resurfaced. We appreciate the Tentative Ventura Permit's recognition that this would be essentially impossible to achieve for existing roadways and requires post construction BMPs only in cases of road widening. We do request that further dialogue be held between the Regional Board and public agencies regarding the proposed requirement of post-construction BMPs for construction of roads, highways construction of 10,000 square feet or more. The primary concerns are to make certain that any post-construction BMPs do not inadvertently compromise road safety and performance.
6. The Receiving Water Limitation provisions as proposed seem to add a level of complication and additional effort should be made in order to make these more straightforward. The wording appears to make the permittees (or potentially a third party) responsible for identifying when exceedances occur. The Regional Board should take a leadership position in informing permittees when a RWL violation or exceedance occurs. Without this leadership by the Board, there will very likely be inconsistency by all upstream permittees as to whether to report (or not to report) the same exceedance. It is recommended that the RWL language should replace the word "violation" with the word "exceedance".
7. Finally, we would ask that the wording indicating that compliance with TMDLs, regardless of whether they are authored by the Regional Board or US EPA will not go into effect until an implementation plan and schedule has been developed and gone through a stakeholder hearing and Board's approval process, is carried into the Los Angeles MS4 permit.

Once the first draft for the MS4 permit for the Los Angeles County area is released, we anticipate submitting more extensive comments. We hope that the Board continues to demonstrate flexibility in working with permittees on the various issues. Thank you for the opportunity to comment on this permit. Please feel free to contact me at 562-802-7880 extension 25 if you have any questions.

Sincerely,

A handwritten signature in cursive script, reading "John L. Hunter". The signature is written in dark ink and is positioned above the printed name and title.

John L. Hunter  
Chair